

Scottish Justices' Association

Executive Meeting

Wednesday 24 November 2021, starting at 07:00 p.m.
Utilising Zoom Meeting Technology

Minutes

Present:	Grace MacLeod (NS) – Chair	Dennis Barr (G&S) - Secretary
	David Donaldson (TC&F) – Vice Chair	John Lawless (G&S)
	Phil Cropper (GH&I)	Richard Scott (NS)
	Gordon Hunter (SSD&G)	Stephen Stable (SSD&G)
	Robert Walsh (SSD&G)	Ashley Ward (TC&F)
	Gary Watson (L&B)	
Apologies:	Sharon Flynn (NS)	Stuart Fair (TC&F)
	Sean Connor (G&S)	

	<u>Agenda Item</u>	<u>Action</u>
1.	<p>Welcome and Apologies</p> <p>Following informal introductions, the Chair, Grace MacLeod welcomed everyone to the meeting and extended a particular welcome to two new members of the executive, namely Gary Watson and Stephen Stable. In consideration of the Covid-19 situation it had been decided to hold this meeting using Zoom technology rather than in person.</p> <p>The Chair extended her warm appreciation of Dennis Barr's contribution as secretary to the SJA over five years, a longer term than normal. As he had exceeded the normal term due to the pandemic, he would be standing down during this meeting.</p> <p>The Secretary confirmed that apologies for absence had been received in advance from Sharon Hardie (Flynn). (Note: in the course of the meeting apologies were received from Sean Connor and Stuart Fair. Subsequent to the meeting, the outgoing secretary confirmed that he had also received apologies from David Caddick and that he had omitted to inform the meeting of this. He offered his apologies to David Caddick for this oversight.)</p>	
2.	<p>Election of Chairman for 2021/2022</p> <p>The Chair invited nominations for the position of Chair for the coming year. The current Chair, Grace MacLeod was proposed. The Chair being willing to stand and no other nominations being received, Grace MacLeod was duly appointed to the position of Chair for a further year.</p>	

	<p>Proposed: Gordon Hunter Seconded: Dennis Barr</p>	
<p>3.</p>	<p>Election of Other Office Bearers and Other Positions</p> <p>(a) Vice Chair – The current Vice Chair, David Donaldson was proposed as Vice-Chair for a further year and indicated his willingness to stand. No other nominations being received David Donaldson was appointed for 2021 / 2022</p> <p>Proposed: Grace MacLeod Seconded: Dennis Barr</p> <p>(b) Secretary – Richard Scott was proposed as secretary and indicated his willingness to stand. No further nominations being received, Richard Scott was appointed as secretary for 2021 / 2022</p> <p>Proposed : Grace MacLeod Seconded: Dennis Barr</p> <p>At this point, Richard informed the meeting that he intended to record the remainder of the meeting for the purposes of assisting with preparation of minutes. He stated that if any member of the committee objected to this, he would refrain from doing so. No objections were received and Richard confirmed that he would therefore record the meeting. It was agreed that the unanimous agreement of future meetings would be required if those meetings were to be recorded.</p> <p>(c) Treasurer – It was noted that the current Treasurer, Stuart Fair was not present and it was not clear to the meeting whether Stuart was willing to stand. Dennis Barr suggested that he could be proposed and seconded and subject to his agreement at a future date, he would be appointed. This was agreed and Stuart was duly proposed and seconded.</p> <p>Proposed: Dennis Barr Seconded: Ashley Ward</p> <p>Subsequently, Dennis Barr informed the meeting that he had contacted Stuart Fair who had indicated he would be honoured to serve as Treasurer again. Stuart Fair was therefore appointed as Treasurer for 2021 / 2022</p>	
<p>4.</p>	<p>Appointment of SJA Representatives to Judicial Bodies</p> <p>The Executive Committee also appointed our representatives for the various Judicial Committees. These are as follows:</p> <p>Judicial Council - The Chairman and Secretary - Grace MacLeod and Richard Scott.</p> <p>Judicial Conduct Committee – Gary Watson volunteered to fill this role. He indicated that he would liaise with the previous incumbent, John Burns who had fulfilled the role for several years.</p>	

	<p>Judicial Welfare and Support Committee - Phil Cropper volunteered to continue in the role.</p> <p>Judicial Information and Communications Technology Committee - John Lawless. John volunteered to continue in the role.</p> <p>SJA/SCTS Liaison Committee – Chair and Vice-Chair – Grace MacLeod and David Donaldson.</p> <p>The ‘<i>Scottish Justice</i>’ Sub-Committee – Phil Cropper volunteered to continue as the Editor of the ‘<i>Scottish Justice</i>’ and to chair the sub-committee which compiles the articles for the electronic magazine. To provide support Robert Walsh volunteered to continue on the sub-committee and in the absence of Martin Morley who had served on the sub-committee it was proposed to invite him to continue in this role..</p> <p>Membership Secretary and Webmaster – John Lawless volunteered to continue in these roles and Ashley Ward volunteered to shadow John and provide support as necessary.</p>	Phil Cropper
5.	<p>Comments from the Chair</p> <p>The Chair, Grace MacLeod, indicated that she had very few comments to make. She felt she had been a “virtual” chair because of the arrangements we had been forced to make during the pandemic. She anticipated that this would continue for most of her period in office. Other comments she had to make would be covered in the discussion of the previous meeting’s minutes.</p>	
6.	<p>Minutes of Meeting held on 20 September 2021</p> <p>The minutes were reviewed in detail and no amendments were noted.</p>	
7.	<p>Approval of Minutes</p> <p>The minutes of the meeting on 20 September 2021 were approved</p> <p>Proposed: Phil Cropper Seconded: David Donaldson</p>	
8.	<p>Matters Arising from the Minutes</p> <p>(a) The Chair advised that Dennis Barr’s article for the Commonwealth Judicial Journal (CJJ) would be published in their December edition and thanked Dennis for all of his work on the article. Dennis confirmed that a copy of the article had been sent to all members of the committee.</p> <p>(b) It was noted that the appointment of Milne Craig as independent examiners of the accounts had been ratified at the AGM.</p> <p>(c) The Chair informed the meeting that following the previous secretary’s letter to the Lord Advocate concerning the marking of cases a meeting with senior officials from the Crown Officer had been arranged for 8 December. The meeting would be attended by the Chair, the Secretary and Dennis Barr.</p> <p>(d) Ashley Ward had attended the virtual conference of the Commonwealth Magistrates’ and Judges’ Association and had provided a very comprehensive report. The Chair extended her</p>	

	<p>thanks to Ashley for doing so.</p> <p>(e) Consideration had been given to inviting external speakers to our meetings. No action on this had been taken so far and the consideration of this would continue.</p> <p>(f) Following the last meeting of the SCTS / SJA liaison committee, the Chair had undertaken to clarify our points of contact with SCTS. The Chair informed the meeting that SCTS had recently undergone a re-organisation. Our point of contact at SCTS is now Kay McCorquodale who is the Chief Executive of the Judicial Office and is a direct report to Eric McQueen, Chief Executive of SCTS. Also included in liaison meetings is David Fraser who is the Executive Director of court operations. He also reports to Eric McQueen. The Chair undertook to forward an e-mail covering these points to new members of the committee who would not have received earlier communications</p> <p>(g) The Chair informed the meeting that she and the Vice-Chair would be meeting with Kay McCorquodale on 2 December as part of regular liaison and discussion would include the issue of the mandatory retirement age. In advance of that meeting, Kay McCorquodale had informed the Chair that the relevant legislation had passed its first and second readings and was expected to be enacted in April 2022. Richard Scott enquired if this meant that it would come into effect in April 2022. The Chair undertook to ask this question of Kay McCorquodale. The Chair informed the meeting that it is possible to track the progress of the bill using a link that she would send out.</p> <p>(h) At the 20 September meeting, there had been discussion of the lack of support for the JP courts. It had been asked whether JP courts were covered in the SCTS business plan. The Chair informed the meeting that she had reviewed the SCTS business plan for 2021 / 2022 which had been produced by Eric McQueen. The report predicted that in 2021 / 2022 there would be 34,000 complaints raised in the JP courts and 1500 trials. That represented a reduction from 2018 / 2019 of 3000 complaints. Projections for the Summary Sheriff Court had increased by 200. This suggested that the introduction of Summary Sheriffs was not the major cause of the reduction in JP court business and that it was more likely that an increase in the use of fiscal and police fines was the cause.</p> <p>JPs featured in the strategic plan for the Judicial Institute. JP courts were often grouped together with Summary Sheriff courts for statistical purposes.</p> <p>Ashley Ward stated that some of Stuart Fair's comments at the AGM had really hit home for him. Ashley noted that JPs retiring did not seem to be being replaced by new recruits and that as retirements ages were known well in advance, this implied a deliberate policy of running down JP numbers. The Chair noted that in NS, the SLA was developing a case for recruitment of new JPs and we awaited the outcome of this. The Chair noted that recruitment of JPs takes about two years. The Executive committee would monitor the situation and it could be that this would be a useful topic for discussion if Eric McQueen can be persuaded to attend one of our meetings.</p> <p>John Lawless observed that in the whole of Scotland, only two Legal Advisors occupied permanent posts. The Chair stated that this point had been discussed at the liaison committee and that</p>	<p>All</p> <p>Chair</p> <p>Chair</p> <p>Chair</p>
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	<p>the justification seemed to be perceived improvements in efficiency.</p> <p>(i) The Chair thanked all who had contributed to the preparation of the Annual Report. The report had been produced in good time and was referred to in the Judicial Hub news on 29 October 2021. Paper copies of the report had been distributed to courts.</p> <p>(j) The Chair noted that the article for the Commonwealth Judicial Journal would be published in December and thereafter in the Scottish Justice newsletter.</p> <p>(k) The Chair noted that the SJA had responded to the consultation by the Criminal Justice Committee concerning pre-budget scrutiny for 2022 / 2023. Only 37 written responses had been received of which the SJA response was one. The documentation for the consultation had made mention of the JP courts and stated that currently, there was a backlog of 7900 trials. There was then a discussion of how this could be reconciled with the projected trials in the Strategic Plan which anticipated 1500 trials per annum. On this basis, it would take 5 years to clear the backlog, not including new business. There was a consensus that the two figures may not be directly comparable and that further investigation would be required in order to draw conclusions.</p>	
<p>9.</p>	<p>Matters Arising from the 2021 AGM</p> <p>(a) Meetings of Executive – Dennis Barr informed the meeting that large meetings (e.g. of up to 18 members of the SJA Executive) were not permitted in court premises for the time being. This could change in January 2022 when current Covid measures will be reviewed. In the meantime therefore it was agreed that meetings should continue to be conducted using Zoom. It was noted that currently, the Zoom account holder was Dennis Barr and that going forward this should transfer to the new secretary – Richard Scott. The Secretary undertook to resolve this jointly with the outgoing secretary.</p> <p>(b) The meeting discussed the concerns raised at the AGM regarding employers being reluctant to release JPs for their duties. It was agreed that this was a matter which the SJA should actively pursue on behalf of members of the association. In the first instance, the Chair would raise the issue at the SCTS / SJA Liaison Committee. Dennis Barr informed the meeting that the English Magistrates Association website had a useful section on the benefits to employers of employing magistrates and that this could be referred to. (Note : After the meeting the Chair asked Dennis Barr and Ashley Ward to draft a letter that JPs could send to employers.</p> <p>(c) It was noted that at the AGM, the committee's proposed constitutional amendments were passed with the deletion of paragraph 6 of the objectives section. It had been agreed that the Executive should revisit the constitution, with particular emphasis on objectives. In this regard, it was agreed that the Secretary, Phill Cropper and David Caddick should reform the sub-committee looking at the constitution. It was further agreed that in the light of her insightful comments at the AGM, Christine Buchanan, who is a member of the SJA but not on the Executive, should, subject to her agreement, be co-opted onto this sub-committee. The secretary undertook to write to Christine</p>	<p>Secretary Dennis Barr</p> <p>Chair</p> <p>Dennis Barr Ashley Ward</p> <p>Secretary Phil Cropper David Caddick</p>

	Buchanan inviting her to join.																						
10.	<p>Treasurer's Update</p> <p>The Treasurer was not present but in the course of the meeting he was in contact with Dennis Barr who passed on the Treasurer's apologies. Dennis reported that the Treasurer would circulate an update on financial matters to members of the committee.</p>	Treasurer																					
11.	<p>Membership Secretary's Report</p> <p>The Membership Secretary reported that numbers of members by sheriffdom were as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">TCF</td> <td style="width: 10%; text-align: right;">38</td> <td style="width: 60%;"></td> </tr> <tr> <td>SSDG</td> <td style="text-align: right;">54</td> <td></td> </tr> <tr> <td>NS</td> <td style="text-align: right;">37</td> <td></td> </tr> <tr> <td>L&B</td> <td style="text-align: right;">26</td> <td>of which 8 over 70</td> </tr> <tr> <td>G&S</td> <td style="text-align: right;">17</td> <td></td> </tr> <tr> <td>GHI</td> <td style="text-align: right;">29</td> <td>of which 2 over 70</td> </tr> <tr> <td colspan="2" style="border-top: 1px solid black;">Total</td> <td style="border-top: 1px solid black; text-align: right;"><u>201</u></td> </tr> </table>	TCF	38		SSDG	54		NS	37		L&B	26	of which 8 over 70	G&S	17		GHI	29	of which 2 over 70	Total		<u>201</u>	
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12.	<p>"Scottish Justice" – Date of next Publication and Articles</p> <p>Phil Cropper informed the meeting that the next issue of Scottish Justice was due out around mid-December. He stated that he is short of articles for the next edition, particularly articles of a light-hearted nature. He requested that all members of the committee consider if they could submit an article or persuade other justices in their sheriffdoms to do so.</p>	All																					
13	<p>AOCB</p> <p>(a) Dennis Barr informed the meeting that the European Association of Lay Judges (EALJ), of which the SJA is a member, was changing its statutes. In the light of this, we needed to decide if our membership should continue. It was agreed that discussion of this should be deferred until the next meeting.</p> <p>(b) It was noted that two JPs from Aberdeen had participated in a schools project, feedback was very positive</p> <p>(c) Dennis Barr informed the meeting that the next meeting of the Commonwealth Magistrates and Judges Association was due to be held in Accra, Ghana in autumn 2022. It was agreed that whether or not the SJA would send a representative would be discussed at the next meeting.</p> <p>(d) Reverting to the topic of articles for the "Scottish Justice" Phil asked David Donaldson if he would be willing to do a short article on his experiences of swearing in Special Constables. David agreed to do so.</p> <p>(e) John Lawless asked that new members of the executive supply short profiles and pictures for inclusion on the website.</p> <p>(f) Gordon Hunter requested that when discussing the issue of employers' reluctance to release JPs for court duties with SCTS, the Chair should remember to address the interests of self-employed JPs. The Chair agreed to do so.</p>	<p>David Donaldson</p> <p>Stephen Stable Gary Watson Suze Fallone Sharon Flynn</p> <p>Chair</p>																					

14	Date and Time of Next Meeting It was agreed that the next meeting would be held on Thursday 27 January 2022 at 7.00 p.m. The meeting would be held using Zoom and would be organised by the Secretary.	Secretary
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Richard Scott JP
Secretary
26 November 2021